

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,

Plaintiff,

v.

MCDONALDS INCORPORATED, et al.,

Defendants.

Case No. 1:24-cv-00204-NODJ-SAB

ORDER DENYING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*
WITHOUT PREJUDICE AND REQUIRING
PLAINTIFF TO FILE LONG FORM
APPLICATION

(ECF No. 4)

DEADLINE: THIRTY DAYS

Candace Smith, proceeding *pro se*, filed a complaint in this action on February 15, 2024. (ECF No. 1.) Plaintiff did not pay the filing fee and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) On February 15, 2024, Plaintiff filed an incomplete application to proceed *in forma pauperis* wherein she stated she was currently employed but failed to state her take-home salary or wages. (*Id.*) The Court denied Plaintiff's application without prejudice and ordered her to either file a completed application or pay the filing fee. (ECF No. 3.)

On February 23, 2024, Plaintiff filed a second application to proceed *in forma pauperis* where she stated she is not employed due to a car accident as of February 7, 2024. (ECF No. 4.) However, Plaintiff also responded "no" to question number 3(a) requesting information

1 regarding whether she has received income from a business, profession, or other self-
2 employment in the past twelve months. (*Id.*) The Court construes Plaintiff's second application
3 to state that she was employed until February 7, 2024; however, Plaintiff also states she has not
4 received income in the past twelve months. The Court is unaware if Plaintiff's response to
5 question three was made in error. The Court therefore cannot determine from the information
6 provided in both short form applications if Plaintiff is entitled to proceed in this action without
7 prepayment of fees.

8 Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed
9 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is
10 unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in
11 full.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is DENIED
14 without prejudice;
- 15 2. The Clerk of the Court is directed to forward an *in forma pauperis* application
16 (Long Form) to Plaintiff;
- 17 3. **Within thirty (30) days** of issuance of this order, Plaintiff shall either (1) pay the
18 filing fee for this action, or (2) file a long form application to proceed *in forma*
19 *pauperis* without prepayment of the fee; and
- 20 4. If Plaintiff fails to comply with this order, this action shall be dismissed.

21 IT IS SO ORDERED.

22 Dated: **February 26, 2024**

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24 UNITED STATES MAGISTRATE JUDGE
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